

# THE JUDICIAL BRANCH

THE JUDICIAL BRANCH IS ONE OF THE THREE BRANCHES OF GOVERNMENT PROVIDED FOR IN THE U.S. CONSTITUTION. THE JUDICIAL BRANCH INTERPRETS AND APPLIES THE LAW TO RESOLVE DISPUTES BETWEEN PARTIES. DISPUTES THAT COME BEFORE THE COURTS ARE BOTH LARGE AND SMALL, AND INCLUDE MANY DIFFERENT TYPES OF CASES. IN ORDER TO INSURE THAT THE COURT PROCESS IS FAIR TO ALL PARTIES, JUDGES MUST BE IMPARTIAL.

THE U.S. SUPREME COURT IS THE HIGHEST COURT IN THE LAND. ITS RULINGS HELP EXPLAIN THE MEANING OF THE CONSTITUTION AND FEDERAL LAWS. IT HAS THE POWER TO DECLARE LAWS UNCONSTITUTIONAL. THIS POWER, CALLED JUDICIAL REVIEW, IS NOT IN THE CONSTITUTION BUT CAME FROM A FAMOUS COURT DECISION *MARBURY V. MADISON* ISSUED IN 1803.

THE POWER OF THE COURT TO DECLARE LAWS UNCONSTITUTIONAL IS ESSENTIAL TO INSURING THAT THE CONSTITUTION AND NOT "ORDINARY STATUTES" IS THE SUPREME LAW OF THE LAND. A VERY FAMOUS SUPREME COURT CASE, *BROWN V. TOPEKA BOARD OF EDUCATION*, ILLUSTRATES THIS POINT. THIS CASE, ARGUED BY A LAWYER NAMED THURGOOD MARSHALL, CHALLENGED A SYSTEM OF "SEPARATE BUT EQUAL" PUBLIC SCHOOLS FOR "COLORED" AND WHITE CHILDREN. FOR MANY YEARS, PUBLIC SCHOOLS AS WELL AS BUSES, RESTAURANTS, RESTROOMS AND EVEN WATER FOUNDATIONS WERE DESIGNED FOR THE USE OF WHITES ONLY WITH SEPARATE FACILITIES, USUALLY NOT EQUAL, PROVIDED FOR BLACKS. THIS SYSTEM WAS ALLOWED DUE TO VARIOUS LAWS AND PRACTICES IN EXISTENCE AROUND THE COUNTRY. THE SUPREME COURT UNANIMOUSLY RULED IN THE *BROWN* CASE THAT SEPARATE EDUCATIONAL FACILITIES ARE "INHERENTLY UNEQUAL" AND VIOLATE THE 14TH AMENDMENT OF THE CONSTITUTION. SOMETIMES DECISIONS MADE BY THE SUPREME COURT AND OTHER COURTS ARE NOT POPULAR WITH EVERY CITIZEN OF OUR COUNTRY, BUT BECAUSE THE COURTS ARE INDEPENDENT FROM THE OTHER BRANCHES OF GOVERNMENT, JUDGES CAN MAKE THESE DECISIONS BASED ON WHAT IS RIGHT ACCORDING TO THE LAW.

BESIDES THE SUPREME COURT, THE FEDERAL COURT SYSTEM INCLUDES DISTRICT COURTS, COURTS OF APPEAL AND OTHER SPECIAL COURTS. THE DISTRICT COURTS SERVE AS THE TRIAL COURTS FOR FEDERAL CASES. THESE COURTS LISTEN TO THE EVIDENCE PRESENTED AND MAKE A DECISION. IF THERE IS AN APPEAL, A REQUEST FROM A PARTY TO REVIEW THE DECISION MADE BY ANOTHER COURT, IT WOULD BE FILED WITH THE U.S. COURT OF APPEALS. ONLY A FEW OF THESE CASES WOULD BE APPEALED AGAIN TO THE U.S. SUPREME COURT. THE NINE SUPREME COURT JUSTICES (INCLUDING ONE CHIEF JUSTICE) ARE NOMINATED FOR OFFICE BY THE PRESIDENT BUT MUST BE APPROVED BY THE SENATE. THE APPROVAL PROCESS IS THE SAME FOR ALL FEDERAL JUDGES. FEDERAL JUDGES ARE APPOINTED FOR LIFE UNLESS THEY ARE IMPEACHED AND CONVICTED. A JUDGE WHO WAS IMPEACHED BUT FOUND NOT GUILTY WOULD REMAIN IN OFFICE.

IN ADDITION TO THE FEDERAL COURTS, EACH STATE HAS ITS OWN DISTINCT COURT SYSTEM. THESE COURTS HANDLE THE MAJORITY OF COURT CASES FILED IN THE UNITED STATES, AS MOST OF THE DISPUTES BETWEEN PARTIES INVOLVE STATE, NOT FEDERAL LAWS. CALIFORNIA'S COURT SYSTEM IS PROVIDED FOR IN ITS CONSTITUTION AND INCLUDES SUPERIOR COURTS, APPEALS COURTS AND A SUPREME COURT.